

**FEDERAL COMMUNICATIONS COMMISSION**  
**Enforcement Bureau**  
**Market Disputes Resolution Division**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

**April 26, 2019**

Copies sent by E-mail

**ORDER**

**MAW Communications, Inc.,**

Complainant,

v.

**PPL Electric Utilities Corporation,**

Defendant.

Proceeding Number 19-29  
Bureau ID Number EB-19-MD-001

**Maria T. Browne**  
**D. Van Fleet Bloys**  
**Davis Wright Tremaine LLP**  
**1919 Pennsylvania Avenue, N.W.,**  
**Suite 800**  
**Washington, D.C. 20006**  
[mariabrowne@dwt.com](mailto:mariabrowne@dwt.com)  
[vanbloys@dwt.com](mailto:vanbloys@dwt.com)

Counsel for Complainant

**Thomas B. Magee**  
**Timothy A. Doughty**  
**Keller and Heckman LLP**  
**1001 G Street NW**  
**Suite 500 West**  
**Washington, DC 20001**  
[Magee@khlaw.com](mailto:Magee@khlaw.com)  
[doughty@khlaw.com](mailto:doughty@khlaw.com)

Counsel for Defendant

Dear Counsel:

Today, Staff conducted a status conference (Status Conference) with the parties in this matter, MAW Communications Inc. (MAW) and PPL Electric Utilities Corporation (PPL). During the Status Conference, Staff issued the following rulings.

Denial of Sur-Reply. Staff denied the Motion for Leave to Respond to New Allegations in Reply that PPL filed on April 8, 2019.<sup>1</sup> PPL's Motion sought leave to respond to several "new

---

<sup>1</sup> Motion for Leave to Respond to New Allegations in Reply, Proceeding No. 19-0029, Bureau ID Number EB-19-MD-001 (filed April 8, 2019) (Motion).

allegations” made in MAW’s Reply.<sup>2</sup> MAW filed an Opposition to PPL’s Motion on April 9, 2019.<sup>3</sup> As directed by Staff, the Opposition discussed, among other things, the materiality of each of the allegedly new facts identified in the PPL’s Motion. Having considered the Motion and the Opposition, we conclude that further pleading on the allegations identified in the Motion is not needed for a decision in this proceeding. Accordingly, the Motion is denied.

Supplemental Joint Statement. On April 16, 2019, the parties filed a Joint Statement that identified outstanding discovery issues.<sup>4</sup> At the Status Conference, the parties indicated that they had further discussions about discovery after they filed the Joint Statement. Staff directed the parties to file a Supplemental Joint Statement by Monday, April 29, 2019 that identifies, for each party, any disputed discovery request as to which that party seeks a ruling from Staff. For each such request, the parties are to identify what information the requesting party seeks, the materiality of the information sought, the position of the opposing party as to that discovery, and the proponent’s proposed schedule for taking such discovery.

Briefing. In the Joint Statement, the parties did not request further briefing on this matter except “[t]o the extent the FCC believes additional briefing on a particular issue or issues would be helpful.”<sup>5</sup> Staff does not believe that further briefing would be helpful and so is not ordering any briefing at this time. We may revisit this decision if we come to believe that briefing would be helpful.

We issue this letter ruling under Sections 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, 224, Sections 1.3, 1.720-1.740, and 1.1401-1.1415 of the Commission’s Rules, 47 CFR §§ 1.3, 1.720-1.740, 1.1401-1.1415, and the authority delegated in Sections 0.111 and 0.311 of the Commission’s Rules, 47 CFR §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION



Lisa Saks  
Assistant Chief, Market Disputes Resolution Division  
Enforcement Bureau  
Federal Communications Commission

---

<sup>2</sup> Reply Brief in Support of Amended Pole Attachment Complaint (Reply), Proceeding No. 19-0029, Bureau ID Number EB-19-MD-001 (filed Mar. 29, 2019) (Reply).

<sup>3</sup> MAW Opposition to PPL Motion For Leave to Respond to New Allegations In Reply, Proceeding No. 19-0029, Bureau ID Number EB-19-MD-001 (filed April 9, 2019) (Opposition).

<sup>4</sup> Joint Statement, Proceeding No. 19-0029, Bureau ID Number EB-19-MD-001 (filed April 16, 2019) (Joint Statement) at 8.

<sup>5</sup> Joint Statement at 8.